

### **REMARKS**

In response to the Office Action, Applicant has amended claims 1, 6, 10, and 12. Applicant has also canceled claim 7. Applicant has amended claim 1 by incorporating part of the subject matter of claims 6 and 7 therein.

**The Examiner rejected claims 1, 2 and 5 under 35 U.S.C. 102(b) as being anticipated by Hiraoka (4,722,422).** In response, Applicant submits that Hiraoka discloses a viscous oil based braking mechanism in which the braking oil becomes increasingly viscous with an increasing speed of revolution of the vane wheel 12. This contrasts with the dynamic braking system disclosed and claimed in the present application. In Applicant's device the braking elements are pivotally mounted to a brake spinner frame so that the elements pivot under the influence of centrifugal force. In order to distinguish claim 1 over this reference, Applicant has amended claim 1 to include the limitations that the braking mechanism is a centrifugal braking mechanism in which a brake spinner frame having one or more braking elements attached thereto is operatively connected to the cable dispensing assembly, that the braking elements are pivotally mounted to the brake spinner frame and are biased into a braking position and pivot under the influence of centrifugal force as an output shaft rotates thus bringing the braking element progressively into contact with a braking surface.

Anticipation requires that each and every limitation of the claim be disclosed in the cited reference. Applicant respectfully submits that inasmuch as Hiraoka does not disclose a centrifugal type braking mechanism as claimed and therefore each limitation

of claim 1 is not found in this reference. Consequently, claim 1 is not anticipated by Hiraoka. Furthermore, Applicant submits that Hiraoka specifically teaches away from the use of a brake element as described and claimed in the present application. Applicant therefore submits that Claim 1 distinguishes over Hiraoka and is therefore allowable. Claims 2 and 5 are therefore also allowable as being dependent from an allowable base claim.

**The Examiner rejected claims 1, 2, 6-10 and 13-15 under 102(b) as being anticipated by Donaldson et al (4,457,400). As indicated previously, claim 7 has been canceled and therefore only claims 1, 2, 6, 8-10 and 13-15 stand rejected on these grounds.** Applicant submits that Donaldson discloses an emergency decent device that includes a braking mechanism in which the brake is arranged so as to have a full contact of the break lining with the brake drum. Again, this contrasts with the present invention in which an increasing brake force is achieved by bringing braking elements progressively in contact with a braking surface through pivotal movement of the braking element under centrifugal force. Accordingly, the mechanism disclosed in the Donaldson reference teaches away from the mechanism claimed in the present application.

Inasmuch as claim 1 includes the limitation that the braking mechanism brings braking elements progressively in contact with a braking surface and this limitation is not disclosed in Donaldson, Applicant respectfully submits that claim 1 is not anticipated by this reference and is therefore allowable. Claims 2, 6, 8-10 and 13-15 all depend from claim 1 and therefore should also be allowable as being dependent from an allowable base claim.

**The Examiner rejected claims 1 and 9-12 under 35 U.S.C. 102(b) as being anticipated by Kikuchi.** With regard to the Kikuchi citation we believe that the claims as amended are now distinguished from this citation. The braking mechanism of the present invention operates by bringing the braking element progressively into contact with the braking surface. By contrast, the device of the Kikuchi citation includes a centrifugal breaking mechanism in which the braking mechanism is either on or off. Thus, the braking mechanism of the present invention operates by having not only increasing braking force at increased speed by virtue of centrifugal force, but also by having progressively increasing braking surface area at increasing speeds/centrifugal force. Also, the Kikuchi citation has a braking mechanism in which the centrifugal weights 6 are biased inwardly - by the springs 14. By contrast the braking mechanism of the present invention is biased outwardly into a braking condition by the operation of the spring 88.

Claim 1 includes the limitation that the braking elements are pivotally mounted to said brake spinner frame and said braking elements are biased into a braking position and pivot under the influence of centrifugal force as an output shaft rotates to thereby bring the braking element progressively into contact with a braking surface. This limitation is not disclosed in Kikuchi and, consequently, Kikuchi does not anticipate claim 1 as amended. Applicant therefore respectfully submits that Claim 1 is allowable over this reference, as are its dependents, Claims 9-12.

**The Examiner rejected claim 3 under 35 U.S.C. 103(a) as being unpatentable**

**over Barelli et al in view of Giardini.** The Examiner stated that Barelli shows the claimed device with the exception of the leaf members and that Giardini shows leaf members for dissipating heat. Applicant respectfully disagrees and submits that Barelli does not disclose or suggest the device claimed in amended claim 1. In the Barelli device, spring biased balls 17 are urged into engagement with brake pads 27 under the influence of centrifugal force. The patent does not teach the provision of braking elements that are pivotally mounted to a brake spinner frame and which pivot under the influence of centrifugal force to bring a braking element progressively into contact with a braking surface. Applicant therefore submits that claim 1 distinguishes over the Barelli reference. Claim 3 is dependent from claim 1 and Applicant therefore respectfully submits that including the cooling fins of Giardini in the Barelli device would not result in the claim being rendered obvious. Applicant submits that claim 3 is therefore allowable as being dependent from an allowable base claim.

**The Examiner rejected claim 4 under 35 U.S.C. 103(a) as being unpatentable over Barelli and Giardini and further in view of Donaldson et al.** The Examiner stated that Donaldson shows a guide at 29 and that it would therefore have been obvious to one of ordinary skill in the art to modify the housing of Barelli to comprise a guide for guiding his cable. As mentioned with reference to the rejection of Claim 3, Applicant submits that Barelli does not disclose or suggest the invention claimed in claim 1 or claim 3. Applicant consequently further submits that adding a cable guide to the combined Barelli and Giardini device would not render claim 4 obvious. Claim 4 is dependent from allowable claim 1, consequently, Applicant submits that claim 4 is

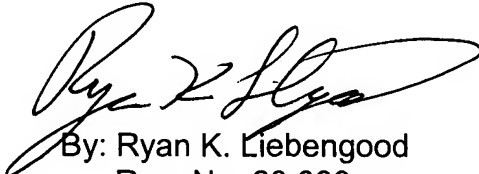
allowable as being dependent from an allowable base claim.

The claims remaining in this application are claims 1-6 and 8-15. Applicant respectfully submits that all of these claims are now in condition for allowance. Early issuance of a Notice to this effect is earnestly solicited.

Should the Examiner wish to discuss any matters raised in this response, he is invited to contact the undersigned at (330) 244-1174.

Respectfully submitted at Canton, Ohio this 9th day of December, 2008.

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Linda K. Snedeker